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UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application

) Art Unit: 1616

Applicant(s): Mark Hodgkinson

) Confirmation No.: 7811

Serial No.: 08/913,976

) I hereby certify that this  
) correspondence is being deposited  
) with the United Postal Service as first  
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) Commissioner for Patents /  
) Washington, DC 20231, on April 25,  
) 2003

Filed: December 22, 1997

For: **OIL FOR AGRICULTURAL  
USE**

Examiner: Alton Nathaniel Pryor

*36/Election  
w/traverse*

*Be  
5-6-03*

*Gerald T. Shekleton*

Gerald T. Shekleton Reg. No. 27,466

RESPONSE TO RESTRICTION REQUIREMENT

Box NON-FEE AMENDMENTS  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Office Action of April 8, 2003 has been carefully reviewed and the following election is in response thereto.

In the above-identified Office Action, the Examiner has required Applicant to elect a single disclosed species for prosecution on the merits to which claims shall be restricted from no generic claim as finally held to be allowable. Applicant traverses this requirement noting that there is no generic claim currently in the application and accordingly such a restriction requirement for a single disclosed species is improper. Further, as set forth in MPEP 803.02, if

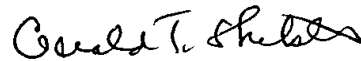
Serial No. 08/913,976

the members of a Markush Group are sufficiently few in number and are so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all the members of the Markush Group and the claim on the merits, even though they are directed to independent and distinct inventions.

Applicant notes that this case has already been prosecuted heavily and numerous Office Actions have been issued. Accordingly, it would appear that searching of all species in the claims has already been conducted several times and accordingly, the searching burden cannot be great in this regard and therefore pursuant to the MPEP admonitions, there should be no restriction in the subject case.

Subject to the traverse set forth above, Applicant hereby elects benztriazole as the species for prosecution herein.

Respectfully submitted,



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Dated: April 25, 2003  
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